

NOT FOR PUBLICATION

JAN 10 2008

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANTIAGO AGUSTIN SOSA-
TENORIO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-73132

Agency No. A95-656-784

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 7, 2008 **

Before: O'SCANNLAIN, SILVERMAN and GRABER, Circuit Judges.

The Clerk shall file respondent's letter dated December 18, 2007 which indicates the motion for summary affirmance and opposition to the motion for stay of removal was served on petitioner's correct address on December 18, 2007.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

This is a petition for review of the Board of Immigration Appeals' ("BIA") order adopting and affirming an Immigration Judge's order denying petitioner Santiago Agustin Sosa-Tenorio's application for cancellation of removal.

The BIA found petitioner ineligible for cancellation of removal because his conviction under California Penal Code § 273.5(a) was for a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E).

Petitioner does not dispute that he has been convicted under California Penal Code § 273.5(a) for inflicting corporal injury on a spouse or cohabitant. Further, petitioner did not raise the issue of whether his conviction constituted a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E) before the BIA and does not raise any challenges concerning his conviction in this petition for review.

Accordingly, respondent's unopposed motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c)

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and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.